

### **REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed November 16, 2005. At the time of the Office Action, Claims 1 and 3-7 were pending in this Application. Claims 1 and 3-7 were rejected. Claims 1, 3, 5-7 have been amended. Claims 8-10 have been added. Applicants respectfully request reconsideration and favorable action in this case.

#### **Objections under 37 CFR 1.83(a)**

Examiner has objected to the drawings for not showing every feature of the invention specified in the Claims under 37 CFR 1.83(a). Applicants respectfully disagree. The current pending claims are directed to a method of installing a mobile program code. The figure shows an exemplary embodiment of a typical industrial automation system. The system indicates in particular with arrow 50 the transmission of a mobile program code from a remote location to the central computer 1 of the automation system. Thus, Applicants believe that all elements/steps as far as necessary for understanding the present invention are shown in the figure.

#### **Rejections under 35 U.S.C. § 102**

Claims 1 and 3-7 were rejected by the Examiner under 35 U.S.C. §102(a) as being anticipated by Lange et al., "Programming and Deploying Java Mobile Agents with Aglets," dated August 1998 ("Lange"). Applicants respectfully traverse and submit the cited art does not teach all of the elements of the claimed embodiment of the invention.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1997). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that the cited art as anticipatory by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

The present claims are directed to industrial automation system and its specific inherent structure. Lange does neither disclose nor suggest the application of aglets within an industrial automation system. On the contrary, Lange discloses the application of JAVA mobile agents in electronic commerce application software. See in particular page 9, chapter 1.6.

However, as stated above, the present invention is directed to an industrial automation system with its specific structure of a central computer (installation or commissioning computer) and actors and sensors which are arranged according to the needs of the automation system within typical automation devices.

Lange merely describes the possibility of parallel processing applications. See page 9, fourth paragraph. Such parallel processing applications, however, merely "clone" a program and, thus, provide the capability of processing certain tasks with a higher processing power. Thus, a person skilled in the art of industrial automation systems would not consider typical Internet software applications for designing and/or operating an automation system.

An automation system has a completely different structure than a normal network of computers as shown in the present application in the Figure. For example, a plurality of actors and sensors are arranged with such a system and are typically coupled, for example, by Profibus and industrial Ethernet buses. Thus, each component might require a specific setup or control software. The mobile program code is, thus, designed to not only port itself to the central computer of the automation system but also to generate different mobile code for other components of the system. Lange generally describes an "aglet" which is able to port itself to another computer system. However, this also means that the aglet is terminated on the originating computer. See in particular page 23, Figure 2-4. Lange does not describe a complex mobile program code that is capable of installing an automation system operating software on the controlling automation devices and its actors and sensors.

Thus, Applicants believe that Lange does not anticipate the present independent claim 1. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35

U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

**Association of Customer Number and Change of Correspondence Address**

Applicants respectfully request that all papers pertaining to the above-captioned patent application be associated with Customer No. **31625**, and direct all correspondence pertaining to this patent application to practitioners at Customer Number **31625**. All telephone calls should be directed to Andreas Grubert at 512.322.2545.

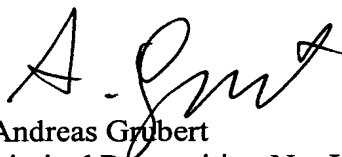
**CONCLUSION**

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,  
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Attorney for Applicants



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